

IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF OKLAHOMA

JUDGMENT OF DISMISSAL WITHOUT PREJUDICE

Plaintiff has filed a Motion for Voluntary Dismissal pursuant to Fed. R. Civ. P. 41(a)(2). Defendant SK Nemah, LLC (“SKN”), objects to the request for dismissal. Defendant SKN notes that Plaintiff here is an assignee of a plaintiff in another case, namely Plainsman Energy Inc. Defendant SKN notes that the Court recently imposed conditions on any refiling after Plainsman sought dismissal. Defendant SKN notes that the Plaintiff in this case has failed to produce any discovery and the request for dismissal comes after Defendant SKN has filed its Motion for Summary Judgment. Although the time for any response or reply has passed, Plaintiff has not addressed the arguments nor disputed the facts raised in Defendant SKN’s Motion. After consideration, the Court finds that conditions will be placed on the dismissal. See Fed. R. Civ. P. 41(a)(2). Those conditions are that if Plaintiff refiles this action or any other action seeking to recover for the harm alleged herein, it must first pay the costs and attorneys’ fees incurred by Defendant in this case.

As set forth more fully herein, Plaintiff Black Anvil Operating, LLC's Motion for Voluntary Dismissal (Dkt. No. 33) is DENIED. Rather, this matter is DISMISSED without prejudice by the Court and subject to the conditions outlined herein.

IT IS SO ORDERED this 1st day of February 2022.



ROBIN J. CAUTHRON
United States District Judge